

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 22, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ASH NEWELL,
Plaintiff,
v.
INLAND PUBLICATIONS INC.,
Defendant.

No. 2:23-CV-00025-SAB
**ORDER DENYING
MOTION TO DISMISS**

Before the Court is Defendant Inland Publications Inc.'s Motion to Dismiss for Failure to State a Claim, ECF No. 13. Plaintiff Newell is represented by Craig Sanders. Defendant is represented by Louis Dorny and Hannah Brown.

Defendant's motion alleges Plaintiff failed to plead facts sufficiently detailed or specific to show how his claim overcomes the three-year statute of limitations for copyright infringement claims, making the complaint defective for failing to articulate a plausible claim as required by the U.S. Supreme Court's decision in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009).

Plaintiff has since timely filed a First Amended Complaint, ECF No. 15, in accordance with Federal Rule of Civil Procedure 15(a)(1)(B). As such, the Court DENIES with leave to renew Defendant Inland Publications Inc.'s Motion to Dismiss as moot.

//
//
//

ORDER DENYING MOTION TO DISMISS *1

1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. Defendant Inland Publications Inc.'s Motion to Dismiss for Failure to
3 State a Claim, ECF No. 13, is **DENIED** with leave to renew.

4 **IT IS SO ORDERED.** The District Court Executive is hereby directed to
5 file this Order and provide copies to counsel.

6 **DATED** this 22nd day of September 2023.



7
8
9
10 Stanley A. Bastian

11 Stanley A. Bastian
12 Chief United States District Judge
13